

Translation

PATENT COOPERATION TREATY

PCT/CH2003/000707



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M-8310/WP	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CH2003/000707	International filing date (day/month/year) 30 October 2003 (30.10.2003)	Priority date (day/month/year) 30 October 2002 (30.10.2002)
International Patent Classification (IPC) or national classification and IPC A47J 37/12		
Applicant MAURER, Ulrich		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 1 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 24 May 2004 (24.05.2004)	Date of completion of this report 25 August 2004 (25.08.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CH2003/000707

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))  
☐ publication of the international application (under Rule 12.4)  
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ The international application as originally filed/furnished

☒ the description:

pages \_\_\_\_\_ 1-8 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ 7 \_\_\_\_\_ received by this Authority on 05 August 2004 (05.08.2004)

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the claims:

pages \_\_\_\_\_ 1-6, 8, 9 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the drawings:

pages \_\_\_\_\_ 1/2-2/2 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH 03/00707

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

### 2. Citations and explanations

#### 1. This report makes reference to the following documents:

D1: EP-A-0 608 463 (MUENCHOW KARL; HUEHNE SIEGMAR (DE)) 3 August 1994 (1994-08-03)

D2: FR-A-2 597 713 (CHAMPALAUNE DANIEL) 30 October 1987 (1987-10-30)

2. D1 is regarded as the prior art closest to the subject matter of claim 1. D1 discloses (the references in parentheses are to D1):

a frying device for deep frying food and luxury food portions, said device consisting of a frying drum (3) and a conveyor unit (1, 2) which are connected to each other via a transfer duct (14) for guiding the portions, wherein the conveyor unit has a housing (6) with a tubular, stationary storage container that is situated in the housing and has a rotatable conveyor wheel that cooperates with the storage container at one end, and wherein, in the housing, slides of the conveyor wheel can be moved such that they cross over an outlet opening (10) in the floor of the housing, said slides being rotatable by means of a shaft, wherein the duration of the rotation is determined by a scale (13) situated between the conveyor unit and the frying drum in the transfer duct.

Thus the subject matter of claim 1 differs from the known device in that

- the conveyor wheel and the storage container form an annular gap;
- the housing (6) with the conveyor wheel (9) situated therein forms an annular space.

2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2.2 The problem to be solved by the present invention can therefore be regarded as that of improving the metering of the conveyor unit.

2.3 The solution to this problem as proposed in claim 1 of the present application involves an inventive step for the following reasons (PCT Article 33(3)):

none of the international search report citations discloses or suggests such a combination of features as in claim 1.

In particular, a combination with D2 (which shows an annular gap in figure 2) does not appear to be obvious because D2 relates to a conveyor unit for animal food.

3. Claims 2 to 9 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.

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